

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KATHLEEN EASTMAN, *et al.*,

Plaintiffs,

v.

CITY OF PHILADELPHIA,

Defendant.

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CIVIL ACTION

NO. 21-2248

ORDER

AND NOW, this 26th day of January, 2023, upon consideration of Plaintiffs’ “Motion for Sanctions Against Defendant” (ECF No. 41), Defendant’s response thereto (ECF No. 42), Plaintiffs’ “Motion to Consolidate” (Civil Action No. 22-cv-5092, ECF No. 6), and after a hearing, it is hereby **ORDERED** that:

1. **Within thirty (30) days from the date of this Order**, Defendant shall produce an affidavit from a representative of the Philadelphia Police Department’s Radio Unit, or other related entity, detailing the policies and procedures related to maintenance of the “tow log” discussed during the hearing;
2. **Within thirty (30) days from the date of this Order**, Defendant shall produce a list of all third-party or private towing companies that have been licensed or otherwise authorized by the City and/or City agencies to tow vehicles from 2019 to the present;
3. **Within thirty (30) days from the date of this Order**, Defendant shall produce, through affidavit or otherwise, information regarding the practices and procedures that are to be followed before and after a “courtesy tow” for each entity authorized by the City to tow vehicles;

4. Plaintiffs shall be permitted to withdraw their Complaint in Smith v. City of Philadelphia (Civil Action No. 22-cv-5092) without prejudice and refile an amended complaint **within fourteen (14) days from the date of this Order**;
5. **Within fourteen (14) days of Plaintiffs refiling their amended complaint**, the parties shall meet and confer and file a joint letter on the docket outlining their respective positions regarding:
 - a. Consolidation of Eastman v. City of Philadelphia (21-2248) and Smith v. City of Philadelphia (22-5092);
 - b. A proposed schedule for any further outstanding discovery in either case; and
 - c. Disposition of Defendant's Motion for Summary Judgment pending in Eastman v. City of Philadelphia (21-2248);
6. All discovery deadlines in Eastman v. City of Philadelphia (21-2248) are **STAYED** pending submission of the joint letter described above.
7. Plaintiffs' "Motion for Sanctions Against Defendant" (ECF No. 41) is **DENIED** for reasons stated on the record, and in particular because the record is devoid of any bad faith discovery practices on the part of the City.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.